

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD PEARSTON,

Defendant.

**4:23MJ3117**

**RULE 5 ORDER**

A Complaint and Warrant having been filed in the district court for the District of Columbia charging the above-named defendant with 18:1752(a)(1) Entering and Remaining in a Restricted Building or Grounds; 18:1752(a)(2) Disorderly and Disruptive Conduct in a Restricted Building or Grounds; 40:5104(2)(D) Disorderly Conduct on Capital Grounds; and 40:5104(2)(G) Parading, Demonstrating, or Picketing in Capitol Building, and the defendant having been arrested in the District of Nebraska, proceedings to commit defendant to another district were held in accordance with Fed.R.Cr.P.5. The defendant had an initial appearance here in accordance with Fed.R.Cr.P.5 and was informed of the provisions of Fed.R.Cr.P.20. Additionally, defendant

    Was given an identity hearing and found to be the person named in the  
aforementioned charging document

  X   Waived an identity hearing and admitted that he was the person named in the  
aforementioned charging document.

    Waived his right to a preliminary examination

  X   The government did not move for detention

    Was afforded a preliminary examination in accordance with Fed.R.Cr.P.5.1 and,  
from the evidence it appears that there is probable cause to believe that an offense  
has been committed and that the defendant committed it.

  X   Knowingly and voluntarily waived a preliminary hearing in this district and reserved  
his right to a preliminary hearing in the charging district.

- Was given a detention hearing in this district.  
Accordingly, it is ordered that the defendant is held to answer in the prosecuting district.
- Defendant has been unable to obtain release under the Bail Reform Act of 1984, 18 U.S.C. ' 3141 et.seq. and the U.S. Marshal is commanded to take custody of the above named defendant and to transport the defendant with a certified copy of this order forthwith to the prosecuting district specified above and there deliver the defendant to the U.S. Marshal for that district or to some other officer authorized to receive the defendant, all proceedings required by Fed.R.Cr.P.5 having been completed.
- X Defendant has been released in accordance with the provisions of the Bail Reform Act of 1984, 18 U.S.C. ' 3141 et.seq. The defendant is to appear before the district court of the prosecuting district at such times and places as may be ordered. All funds, if any, deposited on behalf of this defendant with the Clerk of Court pursuant to the Bail Reform Act, shall be transferred to the prosecuting district.

IT IS SO ORDERED.

Dated this 20<sup>th</sup> day of September, 2023.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge